

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**IN RE PEANUT FARMERS ANTITRUST
LITIGATION**

Court File No. 2:19-cv-00463-RAJ-LRL

**Honorable Raymond A. Jackson
Honorable Lawrence R. Leonard**

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT WITH
DEFENDANT OLAM, FOR CERTIFICATION OF THE PROPOSED SETTLEMENT
CLASS, AND FOR RELATED RELIEF**

Plaintiffs D&M Farms, Mark Hasty, Dustin Land, Lonnie Gilbert, Daniel Howell and Rocky Creek Farms (collectively "Plaintiffs") respectfully move the Court to preliminarily approve the Settlement Agreement and to certify the following settlement class (the "Settlement Class") pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3):

All persons or entities in the United States who sold raw, harvested runner peanuts to any of the Defendants, their subsidiaries or joint-ventures, from January 1, 2014 through December 31, 2019 (the "Class Period"). Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded from this Class are any federal, state or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action, and any co-conspirator identified in this action.

Plaintiffs also respectfully move for the Court to appoint (1) D&M Farms, Mark Hasty, Dustin Land, Lonnie Gilbert, Daniel Howell and Rocky Creek Farms as representatives of the Settlement Class, and (2) Brian D. Clark of Lockridge Grindal Nauen PLLP and Kimberly A. Justice of Freed Kanner London & Millen LLC as Co-Lead Counsel for the Settlement Class and Wyatt B. Durette, Jr. of Durette, Arkema, Gerson & Gill PC as Liaison Counsel for the Settlement Class, pursuant to Fed. R. Civ. P. 23(c)(1)(B) and 23(g).

In support of this motion, Plaintiffs submit herewith a: (1) Memorandum of Law in Support, (2) Declaration of Brian D. Clark and exhibits thereto, (3) Declaration of Steven Weisbrot and exhibits thereto, (4) Declaration of Robyn Griffin and exhibits thereto, and (5) proposed order.

Date: October 23, 2020

Respectfully submitted,

By /s/ Wyatt B. Durette, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically e-mail notification of such filing to all counsel of record.

To the best of my knowledge, there are no other attorneys or parties who require service by U.S. Mail.

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